

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE UNDER POOLING AND
SERVICING AGREEMENT DATED AS
OF DECEMBER 1, 2006 MASTR ASSET-
BACKED SECURITIES TRUST 2006-
HE5 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-HE5,

Plaintiff,

v.

JANIE QUINTEROS, ISSAC C.
QUINTEROS, CORINE G.
QUINTEROS, PAULA A. RUNNELS,
SHERRY LOSSING, BARBARA L.
SAWYER, VIRGINIA O.
WILLOUGHBY, AND THE
UNKNOWN HEIRS AT LAW OF
FAUSTINO G. QUINTEROS A/K/A F.
G. QUINTEROS, DECEASED,

Defendants.

Civil Action No. 6:17-cv-149-RP-JCM

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES

COMES NOW Plaintiff U.S. Bank National Association, as Trustee under Pooling and Servicing Agreement dated as of December 1, 2006 MASTR Asset-Backed Securities Trust 2006-HE5 Mortgage Pass-Through Certificates, Series 2006-HE5 ("Plaintiff") and files this its *Motion for Attorneys' Fees*, and respectfully shows as follows:

1. On June 7, 2017, Plaintiff filed its *Original Complaint* ("Complaint") seeking a declaration from this Court allowing it to enforce its lien against the Property through foreclosure and a declaration that the defendant heirs are divested of all of their right, title and interest in the Property after foreclosure. (ECF No. 1.)

2. In the Default Judgment, the Court ordered that U.S. Bank shall recover from the Defendants costs of court and attorneys' fees at an amount to be determined by later motion and order. (ECF Document No. 40.) Plaintiff now presents this its *Motion for Attorneys' Fees*.

3. Plaintiff incurred \$15,175.23 in reasonable and necessary attorneys' fees in filing and prosecuting this suit to enforce its interest in certain real property as a result of Defendants' default of under the Note and Deed of Trust agreement between the parties. *See* Exhibit A, Declaration of Mark. D. Cronenwett. A true and correct copy of the detailed billing statements of attorneys' fees is attached hereto as Exhibit B. Accordingly, in this Motion, Plaintiff requests an award of attorneys' fees in the amount of \$15,175.23, that it has incurred in enforcing its interest in the subject property as a result of Defendants' default of under the Note and Deed of Trust agreement between the parties

WHEREFORE, PREMISES CONSIDERED, Plaintiff U.S. Bank respectfully requests that the Court award it its attorneys' fees in the total amount of \$15,175.23, to be recovered from Defendants Janie Quinteros, Issac C. Quinteros, Corine G. Quinteros, Paula A. Runnels, Sherry Lossing, Barbara L. Sawyer, Virginia O. Willoughby, and the Unknown Heirs at Law of Faustino G. Quinteros a/k/a F. G. Quinteros, deceased ("Defendants") as a further obligation owed by Defendants under the Note and Security Instrument. Plaintiff also prays for all relief, whether at law or in equity to which it is justly entitled.

Respectfully submitted,

By: /s/ Philip W. Danaher

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was delivered to the following in the manner described below on this 25th day of January 2019.

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2462 14

Janie Quinteros
5 Maple Court
Belton, Texas 76513
Defendant

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2462 45

Issac C. Quinteros
3200 Gholson Road
Waco, Texas 76705
Defendant

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2463 06

Corine G. Quinteros
5 Maple Court
Belton, Texas 76513
Defendant

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2463 51

Paula A. Runnels
5 Maple Court
Belton, Texas 76513
Defendant

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2464 50

Sherry Lossing
240 Robin Road
Moody, Texas 76557
Defendant

Via U.S. Mail and
CMRRR 9314 7699 0430 0055 2465 11

Barbara L. Sawyer
839 W. 3rd Street
Eddy, Texas 76524
Defendant

Via U.S. Mail and

CMRRR 9314 7699 0430 0055 2465 97

Virginia O. Willoughby

839 W. 3rd Street

Eddy, Texas 76524

Defendant

Via ECF

Unknown Heirs at Law of Faustino G.

Quinterios, deceased

c/o Dan MacLemore

P.O. Box 445

Waco, Texas 76703

dmaclemore@fulbrightlaw.com

Court appointed attorney ad litem

/s/ Philip W. Danaher

PHILIP W. DANAHER